

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1060 CRIMINAL WRIT PETITION NO.210 OF 2022

Babasaheb Balasaheb Jamge

..APPLICANT

-VERSUS-

1. The State of Maharashtra

2. Jagnath Ganeshrao Shinde

..RESPONDENTS

...
Advocate for Petitioner : Mr.Gholap Ajit M.
APP for Respondent/State : Mr.S.N. Morampalle

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**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 15th SEPTEMBER, 2023.**

PER COURT :-

1. Heard.
2. This petition has been filed for quashment of F.I.R. bearing Crime No.0026 of 2022 registered with Gangakhed Police Station, Gangakhed, Dist. Parbhani.
3. A case of prosecution, in short, is that the petitioner is alleged to have sold country liquor on dry day i.e. 26th January, 2022. Close reading of the police papers indicate that foreign and country made liquor came to be seized from certain persons. During their interrogation, they claimed to have purchased those bottles from the shop of the petitioner. The petitioner admittedly holds CL-FL-III.

There is, however, no material to indicate that on the given date i.e. 26th January, 2022 those bottles in fact were sold from the petitioner's shop. As such, there is no material to make the petitioner stand trial for the alleged crime.

4. The learned APP informs that the batch number of those bottles match with the goods i.e. liquor supplied from the shop of the petitioner. Although, the batch number indicating that the liquor bottles seized from the co-accused were from the batch number of the country liquor bottles purchased by the petitioner for sale from his shop, it is reiterated that there is no material to indicate that those bottles were in fact sold on that dry day i.e. 26th January, 2022 so as to constitute alleged offence. As such, there is no material to proceed against the petitioner. In view of the same, we are inclined to allow the petition.

5. In the result, the petition is allowed in terms of prayer clause "B".

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

sga/